

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BLUE RIDGE INVESTORS, II, :
LP, :
Appellant, : Civil No. 1:07-CV-00323-TWT
vs. :
WACHOVIA BANK, N.A., and :
AEROSOL PACKAGING, LLC, :
Appellees. :
_____ :

**CONSENT ORDER GRANTING APPELLEE WACHOVIA BANK,
NATIONAL ASSOCIATION'S MOTION TO DISMISS APPEAL AS MOOT**

This matter is before the Court on Appellee Wachovia Bank, National Association's ("Wachovia") Motion to Dismiss Appeal as Moot (the "Motion"). The Court, having reviewed the Motion, and the consent of Appellant Blue Ridge Investors, II, Limited Partnership ("Blue Ridge") and Appellee Aerosol Packaging, LLC ("Aerosol" or "Debtor") being evidenced by the signature of their counsel below, finds that, as a result of developments in the underlying bankruptcy case and the subsequent agreement of the parties to this appeal, (1) Blue Ridge no longer has a "claim" (as defined in 11 U.S.C. §101(5)) in the underlying bankruptcy case that can be voted as a result of the postpetition settlement agreement between the parties; and (b) this appeal, which relates to an Order determining who is entitled to vote Appellant's claim in the bankruptcy case.

**ATTEST: A TRUE COPY
CERTIFIED THIS**

ATI 32424633.3

AUG 23 2007
By James N. Hatten, Clerk
Deputy Clerk

therefore moot and should be dismissed. Accordingly, it is hereby ORDERED
that:

- (1) This appeal is dismissed with prejudice, all parties to bear their own costs in this appeal.
- (2) The Clerk of the Court is instructed to close this matter.

SO ORDERED on August 23, 2007.

/s/Thomas W. Thrash
HON. THOMAS W. THRASH, JR.
United States District Court Judge

[signatures of counsel on next page]

Consented to by:

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therefore moot and should be dismissed. Accordingly, it is hereby ORDERED
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- (2) The Clerk of the Court is instructed to close this matter.

SO ORDERED on August 23, 2007.

/s/Thomas W. Thrash
HON. THOMAS W. THRASH, JR.
United States District Court Judge

[signatures of counsel on next page]